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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/778,311	
	Filing Date	02/07/2001	
	First Named Inventor	Kevin Callahan	
	Art Unit	3623	
	Examiner Name	Sterrett, Jonathan G.	
Total Number of Pages in This Submission	5	Attorney Docket Number	54151.07US1

ENCLOSURES (Check all that apply)		
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Firm Name	Customer No. 34018 Greenberg Traurig, LLP		
Signature			
Printed name	Gary R. Jarosik		
Date	May 25, 2006	Reg. No.	35,906

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Callahan	)	Examiner:	Sterrett, Jonathan G.
		)		
Serial No.:	09/778,311	)	Art Unit:	3623
		)		
Filed:	February 7, 2001	)	Attny Doc.:	54151.07US1
		)		
Title:	Methods And Apparatus For	)		
	Scheduling An In-Home	)		
	Appliance Repair Service	)		

REPLY BRIEF

Mail Stop Appeal Briefs - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Appellant hereby submits this Reply to the Examiner's Answer dated February 6, 2006.

This Reply Brief is being filed in triplicate.

The Commissioner is hereby authorized to charge any fee deficiency or credit  
overpayment to deposit account number 50-2428 in the name of Greenberg Traurig.

Certificate of Mailing: I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class mail, postage prepaid, in an envelope addressed to: Mail Stop Appeal Briefs – Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 25th day of May, 2006.

By: \_\_\_\_\_

Ranni Matar

## REMARKS

In accordance with 37 CFR §§ 41.41(a)(1) and 41.43(b), Appellant hereby submits this Reply Brief in response to the Examiner's Answer.

It is respectfully submitted that the Examiner's Answer evidences that the rejection of the claims fails to consider the claims "as a whole," i.e., each and every element considering each and every word.

In the Examiner's Answer it was asserted that the rejection of the claims was based primarily upon the alleged teaching within "PointServe" that "consumers are provided with a plurality of service providers (and thus multiple schedule slots, since each service provider must provide at least one schedule slot)" and, as such, it would have been obvious to modify "Whirlpool.com" based upon "PointServe" to fully meet the claim limitations. (Examiner's Answer on page 29).

In response, it is respectfully submitted that, while the "PointServe" system allows Internet users to tap in directly and get access to providers' [in the plural] schedules, the "PointServe" system nevertheless requires that a user schedule a repair by doing a search for potential open spaces in a company's [in the singular] schedule for service people. (Reference U1, paragraph 5). Accordingly, while "PointServe," whether considered alone or in combination with "Whirlpool.com," may function to identify plural, potential service providers for a user (which identified, plural, potential service providers may have open repair slots), it is respectfully submitted that "PointServe" nevertheless makes it expressly clear that the user must still manually and individually search each of the identified, plural, potential service providers to determine what, if any, open repair time slots each individual one of the identified, plural, potential service providers might have available. As such, it will be appreciated that, while the

“PointServe” system, considered alone or in combination with “Whirlpool.com,” might function to identify plural, potential service providers that may be within a geographic region or that may be qualified to work on a specified appliance which provided service providers may (or may not) have available repair time slots *which the user can then further manually search for*,

“PointServe” does not disclose, teach, or suggest the expressly claimed method in which *a server determines for the user* multiple available repair time slots based on at least one of an appliance identifier and a geographical identifier which multiple available time slots, as *determined by the server*, are returned to the user to thereby allow the user to select at least one of the available time slots from the available time slots, *as determined by the server*, in which to schedule their repair. It will thus be appreciated that the claimed method has a substantial advantage over the system disclosed within “PointServe” in that it eliminates the very need for the user to perform the often frustrating manual search for time slots that might be available in the schedule of a service provider.

In sum, it will be appreciated that the “PointServe” references fail to disclose, teach, or suggest that which has been acknowledged by the Examiner to be missing from “Whirlpool.com.” Furthermore, it will be appreciated that the “PointServe” references suggest a system that is in direct contrast to that which is claimed. In particular, rather than disclose, teach, or suggest a system in which one of an appliance identifier and geographical identifier provided by a customer is used at a server to determine multiple available repair time slots after which the determined, multiple available repair time slots are provided to a consumer to thereby allow the consumer to easily and quickly select one of the determined, multiple available repair time slots in which to schedule a repair, the “PointServe” references suggest a system in which a user is presented with nothing more than a list of identified, potential service providers which

may (or may not) have open repair time slots from which list of identified potential service providers the user must still manually search to find an available repair time slot. As such, it is respectfully submitted that the "PointServe" references fail to include the disclosure required to support a *prima facie* case of obviousness, i.e., the "PointServe" references cannot be said to suggest modifying "Whirlpool.com" to arrive at the invention set forth within the claims when the claims are considered "as a whole." For at least this reason it is respectfully submitted that the rejection under 35 U.S.C. § 103 must be withdrawn.

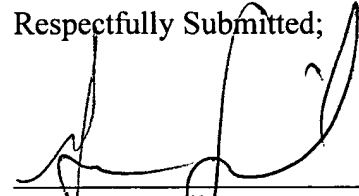
Conclusion

It is respectfully submitted that, when the claims are considered "as a whole," the claims are neither anticipated by nor rendered obvious by the art of record. As such, it is respectfully submitted that the application is in good and proper form for allowance. Such action of the part of the Board is respectfully requested.

Date: May 25, 2006

By:

Respectfully Submitted;



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